

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )                              **CR 05-1849 JH**  
                               )  
DANA JARVIS, *et al.*, )  
                               )  
                               )  
Defendant.                 )

**UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING**

COMES NOW Defendant Dana Jarvis, by and through his counsel of record, and files this unopposed motion to continue his sentencing hearing, currently scheduled for January 8, 2009, on the following grounds:

1. Counsel received a copy of the 52 page Pre-Sentence Report and 3 page attachment on the afternoon of December 31, 2008. Counsel immediately contacted the visitation officer at the Torrance County Detention Center to arrange a visit with Mr. Jarvis to review same. Counsel was advised that, because of the holiday, there were insufficient jail personnel for any visits until January 5, 2009, allowing only three business days to file any objections to the Report.
2. Counsel spent over five hours with Mr. Jarvis reviewing the Report, but managed to review less than half the document, as the offense conduct is fact intensive and had to be discussed in detail. Another appointment to complete the review has been set for January 8, 2009.
3. Counsel has spoken with Supervisory Assistant U.S. Attorney James Braun,

who does not oppose this motion. Counsel for both parties have agreed to meet after the review of the Report has been finalized in an effort to agree on possible language changes in the Report and to resolve various defense objections to it.

4. A continuance of approximately two weeks is therefore requested.

WHEREFORE, Defendant Dana Jarvis respectfully requests the Court continue the sentencing hearing as noted.

Respectfully submitted,

I hereby certify that a true copy of this pleading was sent to SAUSA James Braun via electronic filing and e-mail on this 6<sup>th</sup> day of January, 2009.

JUDITH A. ROSENSTEIN  
P.O. Box 25622  
Albuquerque, NM 87125-5622  
(505) 379-1289 (telephone)  
(505) 797-8086 (facsimile)  
jrosenstein7@cybermesa.com

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Judith A. Rosenstein

ELECTRONICALLY FILED

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Judith A. Rosenstein  
Attorney for Defendant

JODY NEAL-POST  
317 Amherst Dr. SE  
Albuquerque, NM 87106-1403  
(505) 268-7263 (telephone)  
(505) 255-2782 (facsimile)

GARY C. MITCHELL  
P.O. Box 2460  
Ruidoso, NM 88355-2460  
(575) 257-3070 (telephone)  
(575) 257-3171 (facsimile)